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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 9533 of 1993

Sri M. Jangamanna,
s/o late Munivenkatappa,
15/1, Srinivasa Building,
2nd Cross, 1st Main Road,
Chamarajapet, Bangalore-18

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..Petitioner

(By Sri J.G. Chandra Mohan, Advocate)

-Vs-

1. The Commissioner,
Corporation of the City of
Bangalore,
N.R. Square, Bangalore-2;
2. The Asst. Revenue Officer,
Binnypet Range, B.C.C.
Dr. T.C.M. Royan Road.,
Bangalore-560 002

..Respondents

(By Sri K.N. Puttegowda, Advocate)

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Writ Petition is filed praying to quash the show
cause notice No.6106 dated 1-2-1993 issued by the
II respondent as per Annexure-G and pass any other
order.

This writ petition coming on for preliminary
hearing in 'B' Group this day, the Court made the
following: -

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ORDER

The petitioner claims that he is the owner of premises bearing No.11, situated at Vittalnagar Bangalore. The Bangalore City Corporation, after issue of a show cause notice dated 18-2-1992 (Annexure-C) increasing the annual value and property tax and cesses passed an order dated 25-2-1993 (Annexure-D) confirming the proposal to increase the annual rental value of the premises to Rs.38,000/- and levy of tax at Rs.9,700/- and a cess of Rs.3,007/-. This was followed by a demand notice dated 1-2-1993 (Annexure-G) under Rule 27 of Schedule III to the Karnataka Municipal Corporations Act, 1976. The petitioner has contended that the Corporation has not constituted the Taxation Appeal Committee and therefore the appeal filed by him against the order dated 25-2-1993 has not been heard and he could not also get a stay and in the meanwhile, the respondents due informing recovery of the increased tax and he has no alternative remedy but to file this petition. He has therefore filed this petition and sought quashing of Annexure-G.

2. When the matter came up to-day, learned counsel for the corporation stated that the Taxation Appeal Committee has already been constituted and the said committee is functioning and it is open to the petitioner

RMK

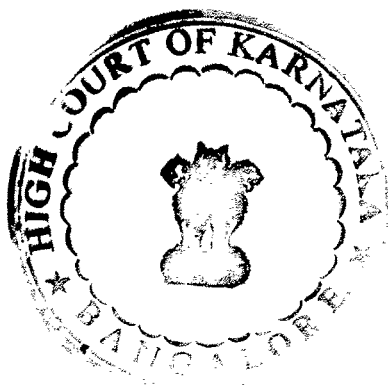
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to pursue the appeal before it.

3. In view of said submission, this petition does not survive for consideration, as suitable orders could be obtained by the petitioner from the Appellate Authority.

4. Hence, this petition is disposed of, reserving liberty to the petitioner to pursue the appeal filed by him before the Taxation Appeal Committee, if it is not already disposed of. Till the disposal of appeal and communication of the decision to the petitioner, the Corporation shall not enforce ~~the~~ recovery of enhanced property tax, subject to the petitioner regularly paying the 30% of the tax due as per Annexure-D (as already directed by the interim order).

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Sd/-
JUDGE

*pjk/ujk